

**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE
PATENTING REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number IN-5486

In re Application of : Emerson Keith COLYER, et al.

Application No. 09/886,742

Filed: June 21, 2001

For: FAST DRYING BASECOAT REFINISH COMPOSITION

The owner *, **BASF Corporation**, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any patent granted on pending second application Patent Number 6,518,338, issued on February 11, 2003, the term being defined in 35 U.S.C. 154 to 156 and 173, as shortened by any terminal disclaimer filed prior to the grant of any patent on the pending second application. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successor or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration, date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has claims canceled by reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on the information and belief are believed to be true; and further that that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney of record

Anna M. Budde
Signature

7/16/2003

Date

Anna M. BUDDE, 35.085
Typed or printed name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

- ☒ The Disclaimer Fee (37 C.F.R. § 1.20(d)). Other than a small entity -fee \$110.00

- a. ☒ The Director is hereby authorized to change the following fees, or credit any overpayments, to Deposit Account No. 23-3425

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner) Form PTO/SB/86 may be used for making this statement. See MPEP § 324.

(Terminal Disclaimer to Obviate a Provisional Double Patenting Rejection over a Pending Second Application (PTO/SB/86) [9-4.1]-page 1 of 1



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